

JEREMY JOHNSON  
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*Pro Se Defendant*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION

Case No.: 2:10-CV-02203-MMD-GWF

Plaintiff(s)

v.

JEREMY JOHNSON, et al.

Defendant(s)

**STIPULATION FOR EXTENSION OF TIME FOR PRO SE DEFENDANT JEREMY  
JOHNSON TO REPLY TO FTC'S AND RECEIVER'S OPPOSITION TO  
PRO SE DEFENDANT JEREMY JOHNSON'S MOTION FOR  
SANCTIONS DUE TO SPOILIATION OF EVIDENCE**

COMES NOW, Pro Se Defendant Jeremy Johnson, and hereby makes this Stipulation for Extension of Time for Pro Se Defendant Jeremy Johnson to Reply to FTC's and Receiver's Opposition to Pro Se Defendant Jeremy Johnson's Motion for Sanctions Due to Spoliation of Evidence as follows:

1. On December 8, 2015, Mr. Johnson filed his Motion for Sanctions Due to Spoliation of Evidence. [DE 1763]
2. On December 28, 2015, the FTC and the Receiver filed their oppositions to Mr. Johnson's Motion for Sanctions Due to Spoliation of Evidence. [DE 1809, DE 1810]

1           3.       Mr. Johnson's Reply to the FTC's and Receiver's Opposition is due January 7,  
2       2016.

3           4.       During a Telephonic Status Conference with the Court on December 29, 2015, the  
4       Court ordered the Receiver's counsel to file a request, as the Receiver's counsel proposed, with the  
5       Court that outlines the terms under which the Zeus server may be released to FBI Special Agent  
6       Randy Kim so that the server may be cloned if the Court in Utah determines it is appropriate for  
7       the agent to clone it. The Court then stated that any party who wished to object to the release of  
8       the Zeus server to the FBI had to do so within seven days of the filing of the Receiver's proposed  
9       terms and conditions. [DE 1811]  
10

11           5.       On December 30, 2015, the Receiver filed an Emergency Motion for Order  
12       Authorizing Receiver to Release Custody of the Zeus Server to Special Agent Kim of the FBI for  
13       Cloning. [DE 1813]  
14

15           6.       Any objections to the terms and conditions proposed by the Receiver in its Motion  
16       for Order Authorizing Receiver to Release Custody of the Zeus Server to Special Agent Kim of the  
17       FBI for Cloning were due to be filed on January 6, 2016. No parties, including Mr. Johnson, filed  
18       an objection to the Receiver's terms and conditions for turning the Zeus server over to Agent Kim  
19       for cloning as set forth in the Receiver's motion.  
20

21           7.       On January 5, 2016, Mr. Johnson reached out to the FTC and the Receiver  
22       regarding a stipulation for extension of time for Mr. Johnson to Reply to the FTC's and Receiver's  
23       opposition to Mr. Johnson's Motion for Sanctions Due to Spoliation of Evidence. In an email  
24       addressed to Ms. Guerard and Mr. Caris, Mr. Johnson asked whether the FTC and the Receiver  
25       would agree to extend Mr. Johnson's time to reply until after Agent Kim performed his analysis of  
26       the Zeus server. As a basis for his request, Mr. Johnson stated that, if Agent Kim's findings were  
27       the Zeus server. As a basis for his request, Mr. Johnson stated that, if Agent Kim's findings were  
28

1 different than what Mr. Johnson has alleged in his Motion for Sanctions Due to Spoliation of  
2 Evidence, then he would be inclined to withdraw his current motion, and/or include any new  
3 information from Agent Kim in his Reply. *See* Exhibit 1, Email to Ms. Guerard and Mr. Caris,  
4 1/5/16.  
5

6 8. In responsive emails, both Ms. Guerard and Mr. Caris have agreed to Mr. Johnson's  
7 request for an extension of time for Mr. Johnson to file his Reply. *See* Exhibit 2, Responsive  
8 Emails from Ms. Guerard and Mr. Caris, 1/5/16. Mr. Caris suggested a thirty-day extension, or  
9 until February 8, 2016, for Mr. Johnson to file his Reply, with such extension to be without  
10 prejudice to Mr. Johnson's right to seek a further extension of the deadline to reply if Agent Kim  
11 has not completed his analysis by the February 8, 2016 deadline. *Id.*  
12

13 NOW, THEREFORE, the parties hereto do stipulate and agree that the deadline for Pro Se  
14 Defendant Jeremy Johnson to file his Reply to the FTC's and Receiver's Opposition to Pro Se  
15 Defendant Jeremy Johnson's Motion for Sanction Due to Spoliation of Evidence shall be extended  
16 to February 8, 2016, without prejudice to Mr. Johnson's right to seek a further extension of the  
17 deadline to reply if Agent Kim has not completed his analysis by February 8, 2016 deadline.  
18

19 WHEREFORE, Pro Se Defendant Jeremy Johnson, the FTC, and the Receiver pray this  
20 Honorable Court endorse this Stipulation as outlined herein and set forth below.

21 DATED this 7<sup>th</sup> day of January, 2016.

22 Respectfully submitted by,

23 /s/ Jeremy Johnson  
24 *Pro Se Defendant*  
25  
26  
27  
28

1 Dated: January 7, 2016

FEDERAL TRADE COMMISSION

2 By: /s/ Collot Guerard

3 Collot Guerard

4 *Attorney for Plaintiff*

5 **Federal Trade Commission**

6 Dated: January 7, 2016

RECEIVER

7 By: /s/ Gary Owen Caris

8 Gary Owen Caris

9 *Attorney for Receiver*

10 **Robb Evans of Robb Evans &**  
11 **Associates LLC**

12  
13 IT IS SO ORDERED.



14  
15 UNITED STATES DISTRICT JUDGE

16 DATED: January 7, 2016

# **EXHIBIT 1**

**Subject:** Stipulation to extend time to respond

**Date:** Tuesday, January 5, 2016 at 12:57:54 PM Mountain Standard Time

**From:** Jeremy Johnson

**To:** Guerard, Collot, Caris, Gary

Collot, Gary,

Would you agree to extend the time for my reply to your objection to the motion for sanctions until after agent Kim is able to make his analysis on the Zeus server? If his findings are something different than what I have alleged in the motion then I will be inclined to withdraw the motion or include the new information in my response. I assume the court would prefer to have an accurate accounting of what has happened to the server as well. Please let me know.

Thanks,

Jeremy

# **EXHIBIT 2**

**Subject:** RE: Stipulation to extend time to respond  
**Date:** Tuesday, January 5, 2016 at 2:47:01 PM Mountain Standard Time  
**From:** Guerard, Collot  
**To:** 'Caris, Gary', Jeremy Johnson  
**CC:** Brick Kane, Hawes, Lesley Anne, Guerard, Collot  
**Attachments:** image001.png

I agree with the approach, but please circulate to Gary & me the proposed stipulation before filing it to make certain we agree.

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**From:** Caris, Gary [mailto:gary.caris@dentons.com]  
**Sent:** Tuesday, January 05, 2016 4:44 PM  
**To:** Jeremy Johnson  
**Cc:** Guerard, Collot; Brick Kane; Hawes, Lesley Anne  
**Subject:** RE: Stipulation to extend time to respond

Jeremy:

The Receiver has no objection to your request, however I think we will need a specific date in the stipulation for the extension to file a reply. I suggest a 30-day extension (to February 8, 2016), and if you need more time, we can discuss another stipulated extension.

If Collot agrees with this approach, I suggest that you (Jeremy) prepare a proposed stipulation to this effect.

Gary



Gary Owen Caris  
Partner

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[gary.caris@dentons.com](mailto:gary.caris@dentons.com)  
[Bio](#) | [Website](#)  
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**From:** Jeremy Johnson [mailto:royalorangepcat@gmail.com]  
**Sent:** Tuesday, January 05, 2016 11:58 AM  
**To:** Guerard, Collot; Caris, Gary  
**Subject:** Stipulation to extend time to respond



Collot, Gary,

Would you agree to extend the time for my reply to your objection to the motion for sanctions until after agent Kim is able to make his analysis on the Zeus server? If his findings are something different than what I have alleged in the motion then I will be inclined to withdraw the motion or include the new information in my response. I assume the court would prefer to have an accurate accounting of what has happened to the server as well. Please let me know.

Thanks,

Jeremy